

FOP SECRET//COMINT//NOFORN NATIONAL SECURITY AGENCY CENTRAL SECURITY SERVICE

FORT GEORGE G. MEADE, MARYLAND 20755-6000

24 December 2008

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//FOUO) Report to the Intelligence Oversight Board on NSA Activities -INFORMATION MEMORANDUM

(U//POUO) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 30 September 2008 were unlawful or contrary to Executive Order or Presidential Directive and thus should have been reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U//FOUO) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

> GEORGE ELLARD Inspector General

General Counsel

(U//FOUO) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

> Lieutenant General, U. S. Army Director, NSA/Chief, CSS

Encl:

Quarterly Report

Approved for Release by NSA on 12-

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Derived From: NSA/CSSM 1-52

Dated: 20070108 Declassify On: 20320108

-TOP SECRET//COMINT//NOFORN

(U) Intelligence Activitie	es :	(b) (1) (b) (3) -P.	L. 86-3
(TS//SI// REL TO USA, FV	EY) Unintentional collection	on against United States	
persons. This quarter, the	re were instances in which S	Signals Intelligence (SIGIN)	Γ) analyst
inadvertently targeted or col	lected communications to, from a tasking. All intercepts and re	n, or about U.S. persons who	ile
as required by United States	SIGINT Directive (USSID) SI	20018.	
		/b)(1))(3)-P.L.
(U) Unauthorized Targeting	(b)(1) (b)(3)-P.L.) (3) -18 ·U:) (3) -50 U:
(TS//SI//REL TO USA, FV		used the U.	S.
SIGINT System (USSS) to 1			selectors
were tasked before authorized the a counsel (OGC) denied the a	ation was obtained from NSA.		
kidnapped. The	uunorization request,	was found. He had not be analysts hav	
additional intelligence overs	ight training.	and ysts nav	C TOOCIVE
(TS//SI//NF) A selector for	an Attorney General (AG)-auth		
for after the AG a	uthorization expired on	The selector was d	etasked
	ection occurred as a result of the		avy of all
on No col	ection occurred as a result of thing to the target was conducted	ne process violation. A revi	ew of all
on No col	ection occurred as a result of the ing to the target was conducted	ne process violation. A revie . All selectors were confirm	ned (b) (1)
on No collother targeted selectors relaterminated on or before	ing to the target was conducted	ne process violation. A revie . All selectors were confirm	ned (b) (1) (b) (3) -P.
on No collection No collection No collection No collection of the collection No collec	ing to the target was conducted	ne process violation. A revie . All selectors were confirm	ned (b) (1) (b) (3) -P.
on No collother targeted selectors relaterminated on or before	ing to the target was conducted	ne process violation. A revie . All selectors were confirm	ned (b) (1) (b) (3)-P.
on No collected selectors related terminated on or before (TS//SI//NF) On NSA analysts collected The	ing to the target was conducted	ne process violation. A review. All selectors were confirmed to collection and processing experiences when the error was	ned (b) (1) (b) (3)-P.
on No collected No	during an experimenta	ne process violation. A review. All selectors were confirm I collection and processing employees when the error was	ned (b) (1) (b) (3) -P. effort, (1) (3) -P.L. (3) -18 U
on No collother targeted selectors relate terminated on or before (TS//SI//NF) On NSA analysts collected The identified.	during an experimenta	ne process violation. A review. All selectors were confirm. I collection and processing experience with the error was the collection and the col	ned (b) (1) (b) (3) -P. effort, (1) (3) -P.L. (3) -18 U; (3) 50 U;
on No collected selectors related terminated on or before (TS//SI//NF) On NSA analysts collected The	during an experimenta	ne process violation. A review. All selectors were confirm I collection and processing employees when the error was	(b) (1) (b) (3) -P.
on No collected selectors related terminated on or before (TS//SI//NF) On NSA analysts collected The identified.	during an experimenta messages were deleted an 1 when NSA learned the	when the error was larget was a U.S. person	ned (b) (1) (b) (3) -P.
on No collected selectors related terminated on or before (TS//SI//NF) On NSA analysts collected The identified. 248//SI//REL TO USA, FV) should have been detasked	during an experimenta messages were deleted an 1 when NSA learned the	when the error was a U.S. person	ned (b) (1) (b) (3) -P. effort, (1) (3) -P.L. (3) -18 U: (3) 50 U: tha
on No collected selectors related terminated on or before (TS//SI//NF) On NSA analysts collected The identified. 26/S//SI//REL TO USA, FV should have been detasked when the selected	during an experimenta messages were deleted an I when NSA learned the No queries on the etors were deleted, and all colle	when the error was a U.S. person	ned (b) (1) (b) (3) -P. effort, (1) (3) -P.L. (3) -18 U: (3) 50 U: tha
on No collected selectors related terminated on or before (TS//SI//NF) On NSA analysts collected The identified. 248//SI//REL TO USA, FV) should have been detasked	during an experimenta messages were deleted an I when NSA learned the No queries on the etors were deleted, and all colle	when the error was a U.S. person	ned (b) (1) (b) (3) -P. effort, (1) (3) -18 t (3) 50 t th fore atabase.

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Dated: 20070108

Declassify On: 20320108

(TS//SI//NF)	selec	ctors were deta-	sked and collec		
<u></u>			An analyst	misunderstoo	d the
direction to treat the tars	zet as a U.S. person	n until the targe	et's state was ve	erified and ret	asked the
selectors	The selectors	were again deta	asked and inter	cept purged fr	
databases when the viola	ation was identifie	:d	32-43-59-43-43-59-43-43-43-43-43-43-43-43-43-43-43-43-43-		(b)(3)-
(TO LIGITIA ID)					
(TS//SI/NF)			rsight, an NSA		
telephone selectors		ted States	***********	Accord	ling to the
analyst responsible for t		11 (7)	4	***************************************	The St.
and collection was delet	ation resulted in co	offection. The	selectors were	removed from	the query, (b)
and confection was delet	ea				(D)
(S//SI//REL TO USA, F	VEV		TOYKOYY OF O		found
*****	reign intelligence t		review of a		
101	orga incompense		ors were detask	ed and collecti	on /
occurring between			d from NSA da		On /
2008.		was purgo	d Holli NSA da	itabases	10 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
					(b)(1) (b)(3)-P.L
(U) Computer Network	Exploitation (CNE)			(b)(3)-50
		,			//
(TS//SI//REL TO USA.	FVEV)				1
					1
1					-
(II) Databasa Ovarias			//	o)(1)	
(U) Database Queries			(b	o)(3)-P.L. 86-36	
(TS//SI//REL TO USA,	FVFV On Go	cacione NSA a	nalvete failed to	yarify that to	enata xvara
located outside of the Un	nited States before	casions insix a	narysis rancu u	Verify that ta	rgets were
located outside of the O	inica states before	conducting da	itavase querres.		Å
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					All
Glieries were terminated	and aggoriated do	to woo deleted	No man autim a	a a a sumu a d	All
queries were terminated	and associated da	ta was defeted.	. No reporting	occurrea.	
(TC//CI//DEL TO LICA	EXTEXA	NC	A		
(TS//SI//REL TO USA,		an NSA	A analyst const	ructed a datab	~ .
using the name of a U.S	organization. He	typed the orga	anization	pp i	while
pursuing foreign intellig			· · · · · · · · · · · · · · · · · · ·		e query and
retrieved data were dele	tea		41		TT C
			another analys	st referenced a	U.S,
and the same of th			another analys	st referenced a	U.S.
			another analys	st referenced a	U.S.
(b)(1)	TORGEGO			· · · · · · · · · · · · · · · · · · ·	
(b)(1) (b)(3)-P.L. 86-36	TORGEGO	ET//COMINT// 2	another analys		b)(1) b)(3)-P.L. 86-36

	while searching for information on his foreign target. The query and resulting were deleted (b)(3)-P.L. 86-36	
(b)(1) (b)(3)-P.L. 86-36 (b)(3)-50 USC 30	(S//SI/REL TO USA, FVEY) During an audit of database queries, an audit of by	(1) (3)-P.L. 86-36 (3)-18 USC 798 (3)-50 USC 3024(i)
	possibility that a U.S. person. No collection resulted from the qu The analyst received additional training on intelligence oversight authorities from her auditor	erv.
(b)(1) (b)(3)-P.L. 86-36	the spelling of the person's name. The analyst recognized the procedural failure. He interrupted and deleted the query preventing the results from posting, and enro in USSID SP0018 refresher training.	
	typing errors resulted in unauthorized queries. In both instances, one mistyped digit changed the selectors so that the query was aga U.S. persons who were not foreign intelligence targets. The two queries were terminated and associated results deleted on the day of the queries.	ninst
	(S//SI//REL TO USA, FVEY) an NSA database auditor found that a analyst queried The queries and results were deleted, and the analyst enrolled in refresher training.	n (b)(1) (b)(3)-P.L. 86-36 (b)(3)-18 USC 798 (b)(3)-50 USC 3024(
(b)(1) (b)(3)-P.L. 86-36	(TS//SI//NF) On two occasions during training courses or research, NSA analysts queried on of other analysts. In both cases, no results were returned. The analysts we instructed on proper query construction.	the
	(U) Detasking Delays	
	(S//SI//NF) an NSA analyst removed the DNI selectors of but failed to detask the telephone numbers. The process failure was correct when the error was identified. There was no collection from	
	(S//SI//REL TO USA, FVEY) a target initially thought to be legitimate and foreign was found to be a U.S. citizen. Although queries were terminated and selectors were detasked, collection was not purged from NSA databases in a timely manner. Purging took p after the selector was detasked, when the analyst returned from sick leave.	(b)(1) (b)(3)-P.L. 86-36
	(S//SI//REL TO USA, FVEY) Unintentional dissemination of U.S. identities. There were instances in which SIGINT analysts disseminated communications to, from, or about U.S. persons while pursuing foreign intelligence tasking this quarter. All data have been deleased or destroyed as required by USSID SP0018.	ted

(TS//REL TO USA, FVE)	cn .
	,
analyst found the same less the	When the error was
found the same day, the	was destroyed. All were
reviewed for U.S. person	information, and the analysts have received remedial training.
(S//SI//REL)	(b)(3)-P.L. 86
(6//SI/KEL)	(b)(3)-50 USC
	was included in a tip to
ivas necessary to understo	without a finding that the U.S. identity
recalled and the recipients	and the foreign intelligence or assess its importance. The tip was
recarred and the recipients	destroyed their copies.
(EI) The Eoreign Intellig	gence Surveillance Act (FISA)
(a) The Toleigh mieni	and the state of t
(III/ EQUO) Foreign Intelli	igence Surveillance Court (EISC)-Authorized Collection (b)(3)-P.L. 86-
(C/12000) Foreign intelli	igence Surveillance Court (FISC)-Authorized Collection (b)(3)-P.L. 86-(b)(3)-50 USC
(TS//SI/NF)	an NSA analyst loomed that a talenhans awarbar had not he
·	an NSA analyst learned that a telephone number had not been
IU	the United States between Once identified,
the typing error was corre	//
the typing error was corre	ected, and the intercepts were deleted from the NSA database on (b)(1)
	(b)(3)-F
(TC //CT//ATE)	
(15//51//1417)	
]	1)
	β)-P.L (b)(3)-50
(TS//SI//NF)	(5)(3)-555
(10//01/111)	
	P.L. 86
	50 USG
(TS//SI//NF) On occa	asions, NSA analysts queried a total of telephone selectors that
had not been vetted as	istoris, 14571 analysis queried a total of telephone selectors that
1100 1100 00011 10000 000	
	The FISA query
requires reasonable suspic	cion determination. This misperception was corrected through
instruction Search results	s were not retained by the analysts, and no reports were issued. This
mistake has resulted in inc	creased internal controls
	oreased internal controls
	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \

(TS//SI//NF)

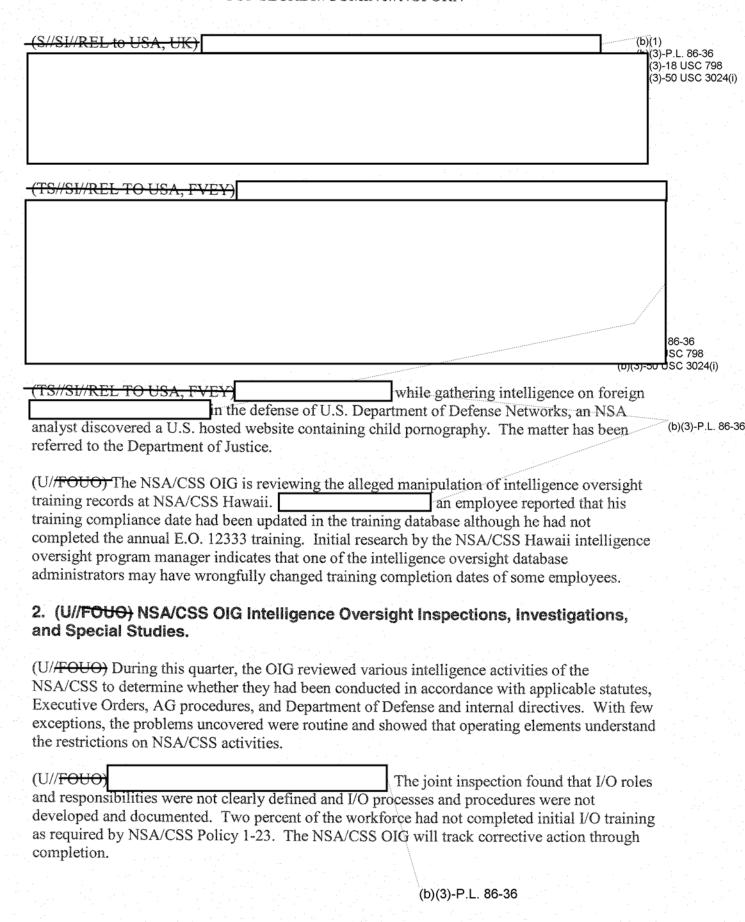
(U) The FISA Amendments Act (FAA)
(TS//SI//REL TO USA, FVEY) an NSA analyst forwarded FAA data to (b)(3)-P.L. 86-3
recipients who were not cleared for FAA. The analyst intended to send the e-mail analysts but selected an e-mail alias with a broader
audience. The e-mail was recalled and destroyed (b)(1)
(b)(3)-P.L. 86-36 (TS://SI//NF) 3)-18 USC 798 3)-50 USC 3024(i)
(b)(1) (b)(3)-P.L. 86-36
analysts learned that targeted selectors had been tasked under the wrong authority. This due diligence review measure found that the analyst mistakenly selected PAA Certification instead of the FAA Certification. No collection occurred between (b)(3)-P.L. 86-36 when the selectors were tasked and when the correct authorizatiofb)(3)-50 USC 3024(i) was assigned.
(TS//SI/NF) NSA analysts learned that a target's e-mail selector was (b)(1)
Chi(3)-P.L. 86-36 Chi(3)-P.L. 86-36 Chi(3)-18 USC 798 The selector was detasked and collection was purged from NSA (b)(3)-50 USC 3024(i) (b)(3)-P.L. 86-36 (b)(3)-P.L. 86-
(TS//SI//NF) A valid foreign FAA target traveled to the United States
The analyst submitted a detasking request
but the detasking did not take effect until purged of collection NSA databases were
(U) The Protect America Act of 2007 (PAA) (b)(1) (b)(3)-P.L. 86-36
(TS//SI//REL TO USA, FVEY) an e-mail selector that did not belong to the intended target was tasked because of a typing error. The location of the tasked e-mail address is not known. No collection occurred when the mistake

(b)(1) (b)(3)-P.L. 86-36 (b)(3)-18 USC 798 (b)(3)-50 USC 3024(i)

	No collection occurred. The selector was detasked on	(b)(1) (b)(3)-P.L. 86-3 (b)(3)-18 USC (b)(3)-50 USC
	(TS//SI//NF)	(b)(5)-50 030
/ г	(TOHOLHAI)	
86-36	Travel AIF NCA failed to remove a toront saleston for	
\	(TS//SI//NF) NSA failed to remove a target selector from tasking when the	(b)(1)
\ ,L	Research revealed that the the United States on	(ᡌ)(3)-P.L. 86-
1	The selector was detasked No collection occurred.	(b)(3)-18 USC (b)(3)-50 USC
	The selector was detasked to confection occurred.	
٠	(TS//SI//REL TO USA, FVEY) During a tasking record review, NSA learned thattarg	geted
	selectors had been tasked under the wrong PAA authority. This due diligence measure four	
	that analysts had mistakenly selected PAA Certification instead of The	
	errors occurred from with no	∇I
	collection resulting. The The associated	(b)(1)
	intercept was purged from NSA databases	(b)(1) (b)(3)-P.L. 86-
_	(TS//SI//REL TO USA, FVEY) A selector was tasked and detasked the	same
	day when the analyst recognized that the target location research had not been completed.	(b)(1)
	was the first recognized that the target reducing resourch had not been completed.	(b)(3)-P.L. 86- (b)(3)-50 USC
		The
	address was not re-tasked. No collection occurred.	_ inc
	(TS//SI//NF) NSA analysts learned that an e-mail address did not b	elong
	to the intended target. The forwarded a mistyped e-mail selector that was tasked under	
	PAA Certification The PAA-tasked e-mail selector resulted in	
	collection, which was purged from NSA databases	
L. 86-36	, and the grade	
	(TS//SI/NF) NSA failed to detask an AG-authorized selector from PAA collection when the	e
	FAA was signed on 12 July 2008. An NSA analyst reviewing tasking files discovered the	•
	oversight The telephone number was detasked the same day. No	
	collection occurred	
\		
\ . -	(TS//SI//NF) NSA analysts learned that a target's e-mail selector ha	d
. /	1 to 11 discryoto fourfied that a target 5 c man selector fin	
. `\	The selector was detasked and collection was purged from NSA database	s on
· · \	and concention was purged from NSA database	
	(b)(1)	
	(II) Counterintelligence Activities (b)(3)-P.L. 86-36	
	(b)(3)-18 USC 79	38

	(U) Intelligence-related Activities
	(S//SI//NF) To reduce the risk of unauthorized telephony collection and to prevent violations, NSA/CSS instituted a process designed to give analysts greater and faster insight into a target's location.
	When
	collection occurred, it was purged from NSA databases. (b)(1)
	(TS//SI//NF) b)(3)-P.L. 86-36 b)(3)-50 USC 302
	NSA/CSS analysts found email selectors
	this quarter. In each case, the selectors were detasked. Collection occurred on of the instances; NSA databases
	selectors were detasked. Collection occurred on of the instances; NSA databases were purged of the intercept. No reports were issues on the collection.
	(S//SI//REL TO USA, FVEY) Although not violations of E.O. 12333 and related directives, NSA/CSS reports instances in which database access was not terminated when the need for (b)(1) access was no longer required. Once identified, accesses were revoked. Almost half of the incidents discovered can be attributed to an intelligence oversight internal control instituted by
	analysts reporting to the A SIGINT database access screening process for
	of accesses before security violations can occur.
	(FG//GY//PE) TO LIGH TYPY A
	(TS//SI//REL TO USA, FVEY) A assigned to a (b)(3)-P.L used his predecessor's NSA Network account and SIGINT database account from
	When the security violation was identified, the analyst was
	counseled on proper information technology security processes. (b)(1)
	(b)(3)-P.L. 86-36
	(TS//REL TO USA, FVEY) an NSA/CSS analyst included unminimized SIGINT in the form of to a customer. (b)(1)
	When this USSID SP0018 violation was discovered to a customer. (b)(3)-P.L. 86-36 When this USSID SP0018 violation was discovered the analyst and the(b)(3)-18 USC 79
	customer destroyed the files. Minimized data was then forwarded to (b)(3)-50 USC 30
L. 86-36	
	(TS//SI//REL TO USA, FVEY) On occasions
L	analysts incorrectly entered their own information into an NSA database for SIGINT
	collection and analysis. Believing that the data field required information on the analyst who
	tasked the selectors, the analysts entered their When the mistake was identified the data was
	When the mistake was identified the data was removed, and the analysts received analysts received additional tasking training.
	and the third yet received additional tasking training.
	(b)(1) (b)(3)-P.L. 86-36
	(b)(3)-50 USC 3024(i) TOP SECRET//COMINT//NOFORM

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TOP SECRET//COMINT//NOFORN	
(b)(1) (b)(3)-P.L. 86-36	
(S//REL TO USA, FVEY))24(i)
/	
On 26 September 2008, the NSA/CSS OIG completed a special study of the NSA	
The objectives of the review were to identify authorities for the handling of data in and	
to determine whether policies and procedures are in place and followed to ensure compliance	
with those authorities. We also reviewed system security practices related to information	
systems. We found that the is not in compliance with the NSA Associate Directorate for	
Security and Counterintelligence policies and procedures in three instances. Specifically, the	
lacks an oversight board or mechanisms; required quarterly meetings with the NSA OGC	
do not occur; and executive reviews have not been conducted. The study also found that three	
auditing practices do not follow internal control standards; there are no procedures for auditing	
The state of the s	
queries; and oversight of system security is	
lacking. The NSA/CSS OIG will track corrective action through completion.	
	-P.L. 86-
(S//SI//REL TO USA, FVEY) Alleged Unauthorized Disclosure of Classified	
Information and Misuse of the USSS. The NSA/CSS OIG is conducting an inquiry into	
alleged unauthorized disclosure of classified information and misuse of the USSS. Reportedly,	
a Navy Cryptologist met with an uncleared Navy Family Readiness social worker	
and disclosed that he had targeted his ex-wife and other family members through his job. A	

(U) Congressional, IOB, and DNI Notifications

(SSCI) of an impending televised interview of James Bamford by ABC News, and the impending release of his book *The Shadow Factory: The Ultra-Secret NSA from 9/11 to the Eavesdropping on America.* The subject of the interview was the allegation that NSA had engaged in improper intelligence activities. The allegation and book were based in part on allegations made last year by retired SGT Adrienne J. Kinne, a U.S. Army Reservist, who had been assigned to the Army Intelligence and Security Command at Fort Gordon, Georgia. Representatives from the NSA/CSS OIG, OGC, and Office of Legislative Affairs have since met with SSCI and HPSCI staffs to discuss the recent allegations of NSA misconduct by Ms. Kinne and former Navy Cryptologic Technican (Interpretive) Second Class Petty Officer David M. Faulk. NSA is investigating the claims of Mr. Faulk. The Department of the Army is investigating Ms. Kinne's claims.

review of the social worker's notes and statement revealed that the information shared was

New Zealand. The results of the inquiry will be provided upon completion.

classified Secret//SIGINT//Releasable to the United States, Australia, Canada, Great Britain, and

(S//SI//NF) Also on 6 October 2008, NSA/CSS informed the Assistant to the Secretary of Defense for Intelligence Oversight of improper disposal of classified information technology equipment from NSA/CSS Texas.

- 3. (U) Substantive Changes to the NSA/CSS Intelligence Oversight Program.
- (U) Nothing to report.

- 4. (U) Changes to NSA/CSS published directives or policies concerning intelligence, counterintelligence, or intelligence-related activities and the reason for the changes.
- (U) Nothing to report.
- 5. (U) Procedures governing the activities of Department of Defense (DoD) intelligence components that affect U.S. persons (DoD Directive 5240.1-R, Procedure 15) Inquiries or Matters Related to Intelligence Oversight Programs.
- (U) Nothing to report.